

47

AN ORDINANCE

99876

AMENDING CHAPTER 35 OF THE CITY CODE THAT  
CONSTITUTES THE COMPREHENSIVE ZONING  
ORDINANCE OF THE CITY OF SAN ANTONIO BY  
CHANGING THE CLASSIFICATION OF AND  
REZONING CERTAIN PROPERTY DESCRIBED  
HEREIN.

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Section 35-304 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:

**CASE NO. Z2004192 C**

The rezoning and reclassification of property from "C-2" Commercial District to "C-2" C Commercial District with a Conditional Use for a Home Improvement Center on the property listed as follows:

14.71 acres out of NCB 10979

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

**SECTION 2.** The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

**SECTION 3.** The City Council approves this Conditional Use Permit so long as the following conditions are met:

- a.) A Type C buffer as stated in Article V, Division 3, Section 35-510 of the Code of the City of San Antonio, Texas shall be maintained, adjacent to the residential zoning to the north.
- b.) Lights shall be directed downward and away from adjacent property.
- c.) There shall be no storage of materials out-of-doors.

**SECTION 4.** All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 -491.

**SECTION 5.** This Ordinance is not severable.

**SECTION 6.** The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

**PASSED AND APPROVED** this 14<sup>th</sup> day of October, 2004.



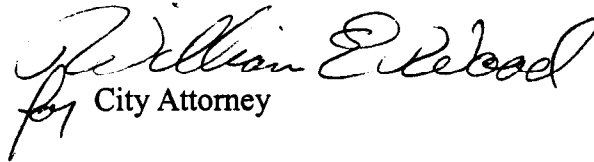
M A Y O R

**EDWARD D. GARZA**

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
for City Attorney

## Agenda Voting Results

**Name:** 4F. 99876

**Date:** 10/14/04

**Time:** 02:20:25 PM

**Vote Type:** Multiple selection

**Description:** ZONING CASE NUMBER Z2004192 C: The request of Brooks Corner Phase Two, L. P., Applicant, for Brooks Corner Phase Two, L. P., Owner, for a change in zoning from "C-2" Commercial District to "C-2" C Commercial District with a conditional use for a home improvement center on 14.71 acres out of NCB 10979, 3143 S. E. Military Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1) A Type C buffer as stated in Article V, Division 3, Section 35-510 shall be maintained; 2) Lights shall be directed downward and away from adjacent property; and 3) There shall be no storage of materials out-of-doors. (Council District 3)

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present			
JOEL WILLIAMS	DISTRICT 2		x		
RON H. SEGOVIA	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4	Not present			
PATTI RADLE	DISTRICT 5		x		
ENRIQUE M. BARRERA	DISTRICT 6	Not present			
JULIAN CASTRO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
CARROLL SCHUBERT	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR ED GARZA	MAYOR		x		